

REMARKS

Claims 21 and 22 were pending in this case.

Provisionally elected claims 21 and 22 were rejected. Claims 21 and 22 have been amended in response to the Examiner's rejections. New claims 23-28 have been added. No new matter is introduced by the amendments. In view of the preceding amendments and the following remarks, Applicant respectfully requests inclusion of claims 23-28 and reconsideration of the application.

Rejection under 35 U.S.C §102(e)

In paragraph 3 of page 2, claims 1-7 were rejected under 35 U.S.C. §102(e), as being anticipated by *Fujita et al.* (US Pat. App. No. 2003/0085994). The Examiner stated that:

In regards to claims 21-22, *Fujita et al.* disclose a capsule imaging device having communication means and a battery and an imaging means, the capsule imaging system comprising: an ultra-wideband system for the imaging means (see paragraph 0122).

The Examiner's rejection is respectfully noted and the claims have been amended to clarify and distinguish the invention, since *Fujita et al* disclose an ultra-wideband system only for communication, not for imaging. Further details are provided in Appendix A attached below.

Thus, *Fujita et al* do not anticipate the invention claimed in amended independent claim 21 and 22, and thus do not anticipate amended independent claims 21 and 22 under 35 U.S.C. §102(e). In view of the discussion above, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. §102(e) rejection of amended independent claim 21 and 22.

New dependent claims 23-28 are also respectfully submitted to be patentable, for at least the same reasons discussed above with respect to amended independent claims 21

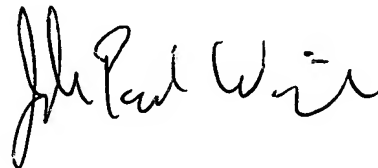
and 22. Accordingly, in view of the discussion above, Applicant respectfully requests that the Examiner allow inclusion of new dependent claims 23-28.

SUMMARY

In conclusion, claims 21-28 are pending in this application. Independent claims 21 and 22 have been amended in response to the Examiner's rejection. New dependent claims 23-28 have been added. Applicant respectfully requests that the Examiner withdraw the rejections of the pending claims and pass the application to issue.

All correspondence should continue to be directed to the address previously indicated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Paul Weirich". The signature is fluid and cursive, with the first name "John" and last name "Weirich" clearly distinguishable.

John Paul Weirich

Dated: June 07, 2006